

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper 1

Filed by: Sally Gardner-Lane
Administrative Patent Judge
Box Interference
Washington, D.C. 20231
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UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

CHARLES E. HART,
RICHARD D. KENAGY, and ALEXANDER CLOWES

Junior Party,
(Patent 5,620,687)

v.

VANITHA RAMAKRISHNAN,
MARIA AMELIA ESCOBEDO, and LARRY J. FRETTO

Senior Party,
(Application 09/003,810).

Patent Interference No. 104,839

NOTICE DECLARING INTERFERENCE
(37 CFR § 1.611)

Part A. Declaration of interference

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties.

Details of the application, patent, count and claims designated as corresponding or as not corresponding to the count appear in Parts E and F of this NOTICE DECLARING INTERFERENCE.

Part B. Judge designated to handle the interference

Administrative Patent Judge Sally Gardner-Lane has been designated to handle the interference. 37 CFR § 1.610(a).

Part C. Standing order

A Trial Section STANDING ORDER accompanies this NOTICE DECLARING INTERFERENCE. The STANDING ORDER applies to this interference.

Part D. Conference call to set dates

A telephone conference call to set dates for taking action in the interference is scheduled for 2:00 pm on 9 July 2002 (the call will be initiated from the PTO).

No later than **two business days** prior to the conference call, each party shall file and serve by facsimile a list of the preliminary motions the party intends to file. See § 17 of the STANDING ORDER.

A copy of a "sample" order setting times for taking action during the preliminary motion phase of the interference accompanies this NOTICE DECLARING INTERFERENCE.

Counsel are encouraged to discuss the order prior to the conference call with the view to coming to some mutual agreement as to dates for taking action. A typical preliminary motion period lasts approximately nine (9) months. Counsel should be prepared to justify any request for a shorter or longer period.

Part E. The parties involved in this interference are:

Junior Party

Named inventors: Charles E. Hart
 Brier, Washington

 Richard D. Kenagy
 Seattle, Washington

 Alexander W. Clowes
 Seattle, Washington

Application: 08/366,860, filed 30 December 1994,
 issued as patent 5,620,687
 on 15 April 1997

Title: INHIBITION OF INTIMAL HYPERPLASIA USING
 ANTIBODIES TO PDGF BETA RECEPTORS

Assignee: The University of Washington and
 ZymoGenetics, Inc.

Accorded Benefit: US 08/304,623, filed 12 September 1994
 US 08/023,504, filed 25 February 1993

Attorneys: See last page

Address: See last page

Senior Party

Named Inventors: Vanitha Ramakrishnan
Belmont, California

Maria Amelia Escobedo
San Francisco, California

Larry J. Fretto
Belmont, California

Application: 09/003,810, filed 7 January 1998

Title: METHODS OF TREATING PDGF-MEDIATED
DISEASES WITH BETA-PDGF RECEPTOR
IMMUNOGLOBULIN POLYPEPTIDES

Assignee: none of record

Accorded Benefit: US 08/258,283, filed 10 June 1994,
issued as patent 5,817,310
on 6 October 1998

US 08/253,440, filed 7 June 1994

US 07/801,795, filed 2 December 1991

Attorneys: See last page

Address: See last page

Part F. Count and claims of the parties

Count 1

A method according to claim 1 of Hart (5,620,687) or a method according to claim 22 of Ramakrishnan (09/003,810).

The claims of the parties are:

Hart: 1-19
Ramakrishnan: 21-37 and 39-40

The claims of the parties which correspond to Count 1 are:

Hart: 1-19
Ramakrishnan: 21-37 and 39-40

The claims of the parties which do not correspond to Count 1, and therefore are not involved in the interference, are:

Hart: none
Ramakrishnan: none

Part G. Heading to be used on papers

The following heading shall be used on papers filed in the interference. See § 18 of the STANDING ORDER.

Paper ¹

Filed on behalf of [name of party]
By: Name of lead counsel, Esq.
Name of backup counsel, Esq.
Street address
City, State, and Zip-Code
Tel:
Fax:

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES
(Administrative Patent Judge Sally Gardner-Lane)

CHARLES E. HART,
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Patent Interference No. 104,839

TITLE OF PAPER

¹ Leave a blank line because the board assigns the paper number.

Part H. Summary of dates for taking action

Times for taking action are set out in the following sections of the STANDING ORDER:

1. § 7: date for identifying lead and backup counsel.
2. § 8: date for identifying any real party in interest.
3. § 9: date for requesting copies of involved and benefit applications and patents.
4. § 17: date for filing list of proposed preliminary motions.
5. § 19: date for accomplishing certain discovery.
6. § 20: date for filing clean copy of claims.
7. § 21: date for filing clean copy of claims in cases with drawings and/or claims containing a means plus function limitation.
8. § 23: dates for filing oppositions to Rule 635 miscellaneous motions and dates for filing replies to oppositions.
9. § 33: date for objecting to admissibility of evidence..
10. § 34: date for serving supplemental affidavits or evidence to respond to objection to admissibility of evidence.
11. § 35: dates when cross-examination can take place.
12. § 45: dates for taking action with respect to settlement discussions

Part I: Order form for requesting file copies

FILE COPY REQUEST

Interference 104,839

A copy of Part E of this NOTICE DECLARING INTERFERENCE should be attached to this FILE COPY REQUEST, with a circle by hand around the patents and applications for which a copy of a file wrapper is desired.

To facilitate processing of this FILE COPY REQUEST, the following information should be included:

1. Charge fees to USPTO Deposit Account No. _____
2. Complete address, including street, city, state, zip code and telephone number (do not list a Post Office box inasmuch as file copies are sent via commercial overnight courier).

Telephone, including area code: _____

Part J. Signature of administrative patent judge



SALLY GARDNER-LANE
Administrative Patent Judge

08 May 2002
Arlington, VA

Enc:

Copy of STANDING ORDER

Copy of order used for setting times for taking action in
the preliminary motion phase of the interference (ORDERPM6)

Copy of order used for setting times for taking action in
the testimony and briefing phases of the interference
(ORDERTE6)

PTO Form 850

Copy of examiner's explanation

Copy of 5,620,687

Copy of claims of 09/003,810

DECLARE.007
Revised 12 October 2000
(replaces DECLARE.006.1)

cc (via Federal Express) :

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